

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

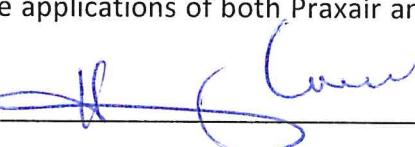
AGNES LAWSON, et al., :
Plaintiffs, :
v. : Civil Action No.: 3:16-cv-2435-BRM-DEA
PRAXAIR, INC., et al., :
Defendants. :

THIS MATTER having come before the Discovery Master through the September 26, 2019 letter application of Defendants and Third-Party Plaintiffs Praxair, Inc., Praxair Distribution, Inc. (PDI) and Praxair Distribution Mid-Atlantic, LLC (PDMA) (collectively, Praxair) addressed to the deposition conduct of counsel for Third-Party Defendant University Medical Center of Princeton at Plainsboro (UMCPP) at the September 16, 2019 deposition of witness Dann Dingle; and the Discovery Master having considered the parties' written submissions and heard oral argument; and good cause appearing for the entry of this Order,

IT IS on this 5th day of November, 2019,

ORDERED AS FOLLOWS:

1. While counsel for UMCPP posed an inordinate number of objections as to form to questions posed by Praxair's counsel during the deposition, those objections substantially complied with Fed. R. Civ. P. 32 (d)(3)(A) and Judge Arpert's October 26, 2017 Order that "[n]o objections to questions posed at depositions shall be made other than as to lack of foundation, form or privilege." Accordingly, Praxair's applications for an order requiring Mr. Dingle's deposition to be reconvened and prohibiting UMCPP's counsel from engaging in speaking objections in future depositions are **Denied**.
2. Although Praxair's application was unsuccessful, it was not frivolous, especially taking into account the quantum of objections as to form interposed by counsel for UMCPP during Mr. Dingle's deposition. Consequently, the applications of both Praxair and UMCPP for an award of counsel fees are **Denied**.



Harry G. Carroll, J.A.D. (Ret.), Discovery Master